

# EXHIBIT 1

Issued by the  
**UNITED STATES DISTRICT COURT**Northern DISTRICT OF California

SYNOPSYS, INC., a Delaware corporation,

**SUBPOENA IN A CIVIL CASE**v.  
MAGMA DESIGN AUTOMATION, a Delaware  
corporationCase Number: <sup>1</sup> 05-701 GMS  
(District of Delaware)TO: Internet Archive, c/o Lila I. Bailey, Perkins Coie LLP, Four Embarcadero  
Center, Suite 2400, San Francisco, CA 94111☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to  
testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in  
the above case.

PLACE OF DEPOSITION

Dechert LLP, 1117 California Avenue, Palo Alto, CA  
94304

DATE AND TIME

January 9, 2007  
9:30 a.m.☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the  
place, date, and time specified below (list documents or objects):  
Please see attachments

PLACE

Dechert LLP, 1117 California Avenue, Palo Alto, CA  
94304

DATE AND TIME

January 5, 2007  
5:00 p.m.☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

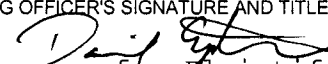
PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers,  
directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated,  
the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

  
Attorneys for Plaintiff SYNOPSYS, INC.

December 19, 2006

ISSUING OFFICER'S NAME ADDRESS AND TELEPHONE NUMBER

Daniel B. Epstein, Dechert LLP, 1117 California Avenue, Palo Alto, CA 94304  
(650) 813-4800

(See Rule 45, Federal Rules of Civil Procedure, parts C &amp; D on reverse)

<sup>1</sup> If action is pending in district other than district of issuance, state district under case number.

**PROOF OF SERVICE**

DATE

PLACE

**SERVED**

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C &amp; D:

**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance,

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to

the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or the demanding party to contest the claim.

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

**(B) If a subpoena**

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

**(d) DUTIES IN RESPONDING TO SUBPOENA.**

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

**ATTACHMENT A**

Pursuant to Rules 34 and 45 of the Federal Rules of Civil Procedure, Plaintiff SYNOPSIS, INC. (“SYNOPSIS”) requests that THE INTERNET ARCHIVE (“INTERNET ARCHIVE”) produce and permit the inspection and copying of the documents or tangible things described below in INTERNET ARCHIVE’s possession, custody, or control.

**INSTRUCTIONS**

1. Unless otherwise noted, this set of requests requires the production of documents or tangible things that were prepared, created, written, sent, dated or received at any time up to the present.
2. In producing documents or tangible things pursuant to these demands, INTERNET ARCHIVE must conform to the requirements of Federal Rule of Civil Procedure 34(b). This means that INTERNET ARCHIVE shall produce documents as they are kept in the usual course of business or shall organize and label the documents to correspond with the categories in the document requests.
3. If INTERNET ARCHIVE withholds any documents or tangible things under a claim of privilege, please furnish with the response to these demands a privilege and/or redaction log identifying each document or tangible thing for which privilege is claimed, including the following information:
  - a. The date, sender, recipient, and subject matter of the documents or tangible thing;
  - b. The basis upon which privilege is claimed;
  - c. The paragraphs, paragraph, or subparts of the demand to which the document or tangible thing corresponds.

### **DEFINITIONS**

1. "INTERNET ARCHIVE" means the Internet Archive.
2. "RESHAPE" means Reshape, Inc.
3. "HTML" means HyperText Markup Language and any versions or variants thereof.
4. "URL" means Uniform Resource Locator
5. "DOCUMENT" includes paper documents, electronic documents, and documents in any other form.

### **REQUESTS FOR PRODUCTION**

#### **REQUEST FOR PRODUCTION NO. 1:**

The DOCUMENTS whose URLs are listed in Attachment C, including all HTML source code and any other source code for such documents.

#### **REQUEST FOR PRODUCTION NO. 2:**

DOCUMENTS sufficient to show how INTERNET ARCHIVE has, in the past and present, obtained, archived, and stored DOCUMENTS from the Internet, including the DOCUMENTS described above.

#### **REQUEST FOR PRODUCTION NO. 3:**

DOCUMENTS sufficient to show how INTERNET ARCHIVE maintains and has maintained its records, including the DOCUMENTS described above.

**ATTACHMENT B**

**TOPICS FOR TESTIMONY**

1. DOCUMENTS on the Internet domain “reshape.com” that have been archived or stored by INTERNET ARCHIVE.
2. How INTERNET ARCHIVE has obtained, archived, and maintained DOCUMENTS, including DOCUMENTS pertaining to Topic 1.
3. The identity, location, maintenance, and custodian of any and all DOCUMENTS pertaining to the foregoing topics.

**ATTACHMENT C**

I. URLs relating to Reshape home page archived on 12/03/1998:

- <http://web.archive.org/web/19981203085641/http://www.reshape.com/index.html>
- <http://web.archive.org/web/19981206124222/www.reshape.com/html/company.html>
- [http://web.archive.org/web/19991007015045/www.reshape.com/html/executive\\_summary.html](http://web.archive.org/web/19991007015045/www.reshape.com/html/executive_summary.html)
- [http://web.archive.org/web/19990219104125/www.reshape.com/html/technology\\_overview.html](http://web.archive.org/web/19990219104125/www.reshape.com/html/technology_overview.html)
- [http://web.archive.org/web/19990222062553/www.reshape.com/html/project\\_audit\\_questionair.html](http://web.archive.org/web/19990222062553/www.reshape.com/html/project_audit_questionair.html)
- [http://web.archive.org/web/19990218130255/www.reshape.com/html/background\\_contacts.html](http://web.archive.org/web/19990218130255/www.reshape.com/html/background_contacts.html)
- [http://web.archive.org/web/19990218201904/www.reshape.com/html/more\\_info.html](http://web.archive.org/web/19990218201904/www.reshape.com/html/more_info.html)
- [http://web.archive.org/web/19981205082115/www.reshape.com/html/reshape\\_solutions.html](http://web.archive.org/web/19981205082115/www.reshape.com/html/reshape_solutions.html)
- [http://web.archive.org/web/19981201182111/www.reshape.com/html/hopper\\_marketing.html](http://web.archive.org/web/19981201182111/www.reshape.com/html/hopper_marketing.html)
- [http://web.archive.org/web/19981202070046/www.reshape.com/html/reshape\\_services.html](http://web.archive.org/web/19981202070046/www.reshape.com/html/reshape_services.html)
- [http://web.archive.org/web/19981202033850/www.reshape.com/html/case\\_studies.html](http://web.archive.org/web/19981202033850/www.reshape.com/html/case_studies.html)
- [http://web.archive.org/web/19990218113451/www.reshape.com/assets/images/mcp\\_blocks.gif](http://web.archive.org/web/19990218113451/www.reshape.com/assets/images/mcp_blocks.gif)
- [http://web.archive.org/web/19981206185059/www.reshape.com/html/sgi\\_nintendo.html](http://web.archive.org/web/19981206185059/www.reshape.com/html/sgi_nintendo.html)
- <http://web.archive.org/web/19981206092842/www.reshape.com/html/faq.html>

II. URLs relating to Reshape home page archived on 2/19/1999:

- <http://web.archive.org/web/19990219111201/http://www.reshape.com/index.html>
- <http://web.archive.org/web/19981206124222/www.reshape.com/html/company.html>
- [http://web.archive.org/web/19991007015045/www.reshape.com/html/executive\\_summary.html](http://web.archive.org/web/19991007015045/www.reshape.com/html/executive_summary.html)
- [http://web.archive.org/web/19990219104125/www.reshape.com/html/technology\\_overview.html](http://web.archive.org/web/19990219104125/www.reshape.com/html/technology_overview.html)
- [http://web.archive.org/web/19990222062553/www.reshape.com/html/project\\_audit\\_questionair.html](http://web.archive.org/web/19990222062553/www.reshape.com/html/project_audit_questionair.html)
- [http://web.archive.org/web/19990218130255/www.reshape.com/html/background\\_contacts.html](http://web.archive.org/web/19990218130255/www.reshape.com/html/background_contacts.html)
- [http://web.archive.org/web/19990218201904/www.reshape.com/html/more\\_info.html](http://web.archive.org/web/19990218201904/www.reshape.com/html/more_info.html)
- [http://web.archive.org/web/19990222094228/www.reshape.com/html/reshape\\_solutions.html](http://web.archive.org/web/19990222094228/www.reshape.com/html/reshape_solutions.html)

- [http://web.archive.org/web/19990218184509/www.reshape.com/html/hopper\\_marketing.html](http://web.archive.org/web/19990218184509/www.reshape.com/html/hopper_marketing.html)
- [http://web.archive.org/web/19990222074000/www.reshape.com/html/reshape\\_services.html](http://web.archive.org/web/19990222074000/www.reshape.com/html/reshape_services.html)
- [http://web.archive.org/web/19990218140332/www.reshape.com/html/case\\_studies.html](http://web.archive.org/web/19990218140332/www.reshape.com/html/case_studies.html)
- [http://web.archive.org/web/19990218113451/www.reshape.com/assets/images/mcp\\_blocks.gif](http://web.archive.org/web/19990218113451/www.reshape.com/assets/images/mcp_blocks.gif)
- [http://web.archive.org/web/19990222113304/www.reshape.com/html/sgi\\_nintendo.html](http://web.archive.org/web/19990222113304/www.reshape.com/html/sgi_nintendo.html)
- <http://web.archive.org/web/19990218174239/www.reshape.com/html/faq.html>

III. URLs relating to Reshape home page archived on 5/19/2000:

- <http://web.archive.org/web/20000519232442/http://www.reshape.com/>
- <http://web.archive.org/web/20000615130944/www.reshape.com/html/company.html>
- [http://web.archive.org/web/20000615152213/www.reshape.com/html/executive\\_summary.html](http://web.archive.org/web/20000615152213/www.reshape.com/html/executive_summary.html)
- [http://web.archive.org/web/20000527100359/www.reshape.com/html/technology\\_overview.html](http://web.archive.org/web/20000527100359/www.reshape.com/html/technology_overview.html)
- [http://web.archive.org/web/20000615015339/www.reshape.com/html/background\\_contacts.html](http://web.archive.org/web/20000615015339/www.reshape.com/html/background_contacts.html)
- [http://web.archive.org/web/20000605231631/www.reshape.com/html/more\\_info.html](http://web.archive.org/web/20000605231631/www.reshape.com/html/more_info.html)
- [http://web.archive.org/web/20000531043555/www.reshape.com/html/reshape\\_solutions.html](http://web.archive.org/web/20000531043555/www.reshape.com/html/reshape_solutions.html)
- [http://web.archive.org/web/20000605215259/www.reshape.com/html/hopper\\_marketing.html](http://web.archive.org/web/20000605215259/www.reshape.com/html/hopper_marketing.html)
- [http://web.archive.org/web/20000606110624/www.reshape.com/html/reshape\\_services.html](http://web.archive.org/web/20000606110624/www.reshape.com/html/reshape_services.html)
- [http://web.archive.org/web/20000615092116/www.reshape.com/html/case\\_studies.html](http://web.archive.org/web/20000615092116/www.reshape.com/html/case_studies.html)
- [http://web.archive.org/web/19991117131222/www.reshape.com/assets/images/mcp\\_blocks.gif](http://web.archive.org/web/19991117131222/www.reshape.com/assets/images/mcp_blocks.gif)
- [http://web.archive.org/web/19991118031727/www.reshape.com/html/sgi\\_nintendo.html](http://web.archive.org/web/19991118031727/www.reshape.com/html/sgi_nintendo.html)
- <http://web.archive.org/web/20000521161956/www.reshape.com/html/faq.html>

IV. URLs relating to Reshape home page archived on 10/16/2000:

- <http://web.archive.org/web/20001016051525/http://www.reshape.com/>
- <http://web.archive.org/web/20001016051525/http://www.eet.com/story/OEG20000925S0053>
- <http://web.archive.org/web/20000817023831/startup.wsj.com/n/SB964634980768006404-starting-gate.html>
- <http://web.archive.org/web/20010330210116/www.reshape.com/aboutus.htm>
- <http://web.archive.org/web/20001002173033/www.reshape.com/careers.htm>
- <http://web.archive.org/web/20010330184007/www.reshape.com/contactus.htm>



V. URLs relating to Reshape home page archived on 3/31/2001:

- <http://web.archive.org/web/20010331093103/http://www.reshape.com/>
- <http://web.archive.org/web/20010330210116/www.reshape.com/aboutus.htm>